

University of Oklahoma College of Law
University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

2-15-1871

Osage Indians in Kansas. Letter from the Secretary of the Interior, relative to the Osage Indians in Kansas.

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indian and Aboriginal Law Commons](#)

Recommended Citation

H.R. Exec. Doc. No. 131, 41st Cong., 3rd Sess. (1871)

This House Executive Document is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

OSAGE INDIANS IN KANSAS.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

RELATIVE TO

The Osage Indians in Kansas.

FEBRUARY 15, 1871.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 11, 1871.

SIR: I have the honor to transmit herewith a copy of a communication, dated the 31st ultimo, addressed to the Secretary of the Interior by the Commissioner of Indian Affairs, in relation to the Osage Indians in Kansas. It will be observed that this communication contains an extract of a report from a special committee of the board of Indian commissioners, appointed to hold a council with the Great and Little Osage tribe of Indians, in order to obtain their consent to remove from their reservation in Kansas to land provided for them as permanent homes in the Indian Territory, as provided by the 12th section of an act entitled "An act making appropriations for the current expenses for the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1871, and for other purposes," approved July 15, 1870.

I respectfully invite special attention to so much of the report and letter as relates to the land which, falling within the 16th and 36th sections of each township, when the same shall have been surveyed, will be reserved to the State of Kansas for school purposes. The proceeds of the lands will, of course, be diminished in proportion to the quantity withheld from sale, and applied to public uses. The section prescribes that, in consideration of the relinquishment by said Indians of their said lands, the United States will, after the purchase-money for the tract in the Indian Territory shall have been paid and their treasury re-imbursed for the sum appropriated for the removal and subsistence of the Indians and for the expenses of the survey, annually pay interest upon the remainder of the moneys received as the proceeds of the sale of said lands, at the rate of five per centum, to be expended by the President for the benefit of said Indians, in such manner as he may deem proper, and makes other provisions, which I need not specifically set forth in this paper.

The Indians having consented to remove, and accepted the terms and conditions mentioned in the 12th section, the latter is binding alike upon them and the United States. It will be perceived that there is no stipulation for the payment to the Indians on account of such 16th and 36th sections as have been reserved to Kansas. The question as to the obligation of the United States, under the facts and circumstances disclosed by these papers, to make such payment, is submitted for the consideration of Congress.

I have the honor to be your obedient servant,

C. DELANO,
Secretary.

HON. JAS. G. BLAINE,
Speaker of the House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
January 31, 1871.

SIR: I have the honor to acknowledge the receipt, by reference from yourself, of the report of the special committee from the board of Indian commissioners appointed to hold council with the Great and Little Osage tribe of Indians, relative to obtaining their consent to their removal to a new home, to be provided for them in the Indian Territory, as provided for by the terms of an act of Congress approved July 15, 1870.

The commissioners report that the Osages have agreed to accept the provisions of said act of Congress, but previous to signing such agreement, the chiefs retired from the council for private conversation, and, upon their return, presented a petition in the following words, which they wished to have laid before the President:

To the President of the United States:

We the undersigned, chiefs and councilors of the tribes of Great and Little Osage Indians, in national council assembled, would respectfully present, that the bill making provision for the sale of our lands, and the removal of our people to the Indian Territory, which passed Congress July 15, 1870, has been read and explained to us by the commissioners you sent to us for that purpose.

We feel satisfied that it is your intention to deal fairly with us. We are assured that the bill is the work of our friends and not of speculators.

We therefore are not willing to show a want of gratitude to our friends by rejecting it. We accept the bill as binding upon us and our people, at the same time praying that we may be allowed to purchase a larger tract of country from the Cherokees than that provided in the bill referred to.

That the Government will bind itself to protect the Osages from intrusion upon their lands by treaty, as they have in the case of the Cherokee and other Indian nations.

That they will allow the Osage chiefs and councilors to have definite control of a portion of their funds, as have the Cherokee, Creek and other Indian nations.

That the Osages be allowed to hold their lands in common until they ask them to be sectionized.

That the Government of the United States will purchase for the Osages, adjoining their lands in the Indian Territory, the same quantity of land as has been granted the State of Kansas for school purposes, out of the Osage lands.

That the right to hunt buffalo on the western prairies on Government lands be secured to us as long as buffalo continue plenty.

That the Osages be allowed to send a delegation to Washington for the purpose of obtaining remuneration for wrongs and depredations inflicted upon them.

We sign the bill with the understanding that the commissioners now on the council ground, and other friends of the Indians, will assist us in obtaining those things for which we have asked herein.

Relying upon the friendship and good-will of our Great Father, the President, we earnestly urge upon his attention the matters herein set forth.

Signed September 10, 1870, in council before signing the bill.

This petition bears the signatures of twenty-three of the chiefs, headmen, and councilors of said tribes, and its contents are recommended to the favorable consideration of the President and yourself by two of the commissioners aforesaid.

Relative to the first request contained therein, I have the honor to state that both the act of Congress of July 15, 1870, and Cherokee treaty of July 19, 1866, make provisions for the quantity of land which the said Osages shall be allowed to purchase, (being 160 acres for each member of said tribes,) and that no authority of law exists for allowing an increase in the quantity thereof. The quantity specified in said act of Congress and treaty is, moreover, deemed sufficient for all the reasonable wants or requirements of said Indians.

Secondly. It is not the policy of the Government to negotiate any further treaties with the different Indian tribes, but by the terms of section ten of an act of Congress approved June 30, 1834, (4 Stat. L., p. 729,) authority is given for the removal from the Indian country of all persons found therein contrary to law, and the President is authorized to employ such military force as he may judge necessary to enforce such removal, and also by the second section of an act of Congress approved June 12, 1858, (11 Stat. L., p. 332,) the Commissioner of Indian Affairs is authorized and required, with the approval of the Secretary of the Interior, to remove from any tribal reservation any person found therein without authority of law, or whose presence within the limits of the reservation may, in his judgment, be detrimental to the peace and welfare of the Indians, and to employ, for the purpose, such force as may be necessary to enable the agent to effect the removal of such person or persons.

In my judgment these statutory provisions afford ample authority to guarantee security and protection to the Indians in the possession and enjoyment of their lands.

Thirdly. I deem the request that the chiefs and councilors may have "control of a portion of their funds, as have the Cherokees, Creeks, and other nations," too indefinite in character to make it a basis of any recommendation. But should the Osages in the future manifest a commendable desire for improvement in civilization, a portion of their invested funds can be used for the advancement of their school facilities and such other beneficial purposes as may be deemed necessary.

Fourthly. I can see no objection to their request that they be allowed for the present to hold their lands in common, and think that their desire in this respect should be granted.

Fifthly. The act of Congress providing for the disposition of the Osage lands in Kansas makes reservation to that State for school purposes of the sixteenth and thirty-sixth sections thereof; consequently in the sale of their reservation the Indians are deprived of two sections in each township, for which they receive no remuneration whatever. I deem their claim for compensation, in some substantial form, for the loss of these "school sections," to be eminently just and proper, and recommend that Congress be asked to give the matter favorable consideration.

Sixthly. I apprehend that there can be no objection to a grant of the right to hunt buffalo on any public lands of the United States, and respectfully suggest that such privilege be extended to the Osages, as requested by them.

Seventhly. There are at present no available funds applicable to the payment of the cost of a delegation from said tribes to visit Washington, but an appropriation has been asked for the purpose of defraying the expense of such delegation from the various tribes, and, if made, I deem

it proper that the Osages should be allowed to send such a delegation here, in order that they may have a full and free opportunity to present to the proper authorities any and all claims to remuneration for wrongs or grievances sustained, or supposed by them to have been sustained, at the hands of trespassers upon their lands in Kansas.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

Hon. COLUMBUS DELANO,
Secretary of the Interior.

○